

REMARKS

Prior to a first examination, please enter the foregoing amendments and the following remarks. A first examination of this case is respectfully requested in view of the foregoing amendments and the following remarks.

Claims 5-11, 15, 18, and 20 have been cancelled without prejudice. Claim 13 has been amended. Accordingly, claims 1-4, 12-14, 16-17, 19, and 21 remain at issue in the application. Of the pending claims, claims 1, 12, and 16 are independent claims.

Applicant believes that no new matter has been added through this preliminary amendment.

I) CONTINUATION APPLICATION

The application papers filed herewith are a true copy of the prior complete application filed on April 28, 2000 by inventor Derrick Lin having US Patent Application Serial No. 09/561,145.

The continuation application filed herewith under Rule 1.53(b) claims the benefit of the US Patent Application Serial No. 09/561,145 and its filing date of April 28, 2000 under 35 U.S.C. 120 and 37 CFR 1.78(a).

Applicant has cancelled claims 5-11, 15, 18, and 20 without prejudice as these claims were prosecuted to completion in the parent patent application, Serial No. 09/561,145.

II) CLAIM REJECTIONS - 35 USC § 102

In the parent patent application, Claims 1-4, 12-14, 16-17, 19 and 21 were rejected under 35 USC § 102(e) as being anticipated by U.S. Pat. No. 6,006,318 issued to Hansen et al. ("Hansen") in paragraph 4 of the Office Action. [Office Action, Para. 4, lines 1-2]. Applicant respectfully traverses this rejection.

"To anticipate a claim, the reference must teach every element of the claim. 'A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.' *Verdegaal Bros. V. Union Oil co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). 'The identical invention must be shown in as complete detail as is contained in the claim.' *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)." [MPEP § 2131, Original 8th Edition, Aug. 2001, Pg. 2100-69].

Regarding independent claims 1 and 16, contrary to the allegations in the Office Action, Applicant respectfully submits that Hansen does not at least disclose a register stack engine. Specifically, Hansen does not disclose "a register stack engine to monitor activity on the memory channel and to transfer data between selected frames of the register file and the memory responsive to available bandwidth on the memory channel" as recited in Claim 1. [Claim 1, lines 6-9]. Hansen does not disclose "a register stack engine to transfer data between registers associated with the one or more inactive procedures and the memory system, responsive to available bandwidth to the memory system" as recited in Claim 16. [Claim 16, lines 5-8].

Regarding independent claim 12, Applicant respectfully submits that Hansen does not disclose "designating registers in

the register stack as clean or dirty, according to whether data in the registers has been spilled to a backing store; monitoring operations on a memory channel; and spilling data from a current oldest dirty register to the backing store when capacity is available on the memory channel." [Claim 12, lines 2-6].

Claims 2-4 depend directly or indirectly from independent claim 1.

Claims 13-14 depend directly or indirectly from independent claim 12.

Claims 17, 19, and 21 depend directly or indirectly from independent claim 16.

Applicant believes that independent claims 1, 12, and 16 are in condition for allowance such that dependent claims 2-4; 13-14; 17, 19, 21 depending respectively there-from are also in condition for allowance.

Applicant respectfully requests the withdrawal of the 35 U.S.C. § 102(e) claim rejection of claims 1-4, 12-14, 16-17, 19, and 21 over Hansen.

III) CLAIM AMENDMENTS

Applicant has amended claim 13 to correct a misspelled word from "curent" to --current--. Applicant has further amended claim 13 to eliminate the word "first" which modifies "pointer" in claim 13. Neither of these amendments are made for reasons related to patentability.

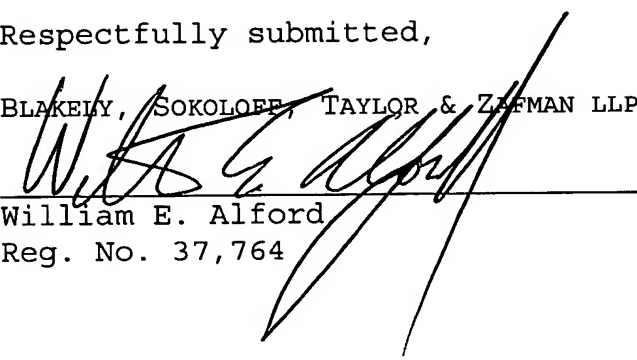
CONCLUSION

A first examination of the pending claims is respectfully requested. Allowance of the claims at an early date is hereby respectfully solicited.

The Examiner is invited to contact Applicant's undersigned counsel by telephone at (714) 557-3800 to expedite the prosecution of this case should there be any unresolved matters remaining.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP



William E. Alford

Reg. No. 37,764

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